



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY - 4 2011

VIA E-MAIL TO:
rand.paul.moneybomb@gmail.com

www.RandsTeaParty.com

RE: MUR 6270

To Whom It May Concern:

On April 15, 2010, the Federal Election Commission received a complaint against **www.RandsTeaParty.com** alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On April 26, 2011, the Commission found, on the basis of the information in the complaint, that there is no reason to believe **www.RandsTeaParty.com** violated 2 U.S.C. § 441d or 11 C.F.R. § 110.11. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's finding, is enclosed for your information.

If you have any questions, please contact April J. Sands, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Mark Allen
Assistant General Counsel

Enclosure

Factual and Legal Analysis for **www.RandsTeaParty.com**

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1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

3 **MUR 6270**

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5 **RESPONDENT:** www.RandsTeaParty.com

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7 **I. GENERATION OF MATTER**

8 This matter was generated by a complaint filed with the Federal Election
9 Commission by Johnathan C. Gay. *See* 2 U.S.C. § 437g(a)(1).

10 **II. FACTUAL AND LEGAL ANALYSIS**

11 The complaint alleges that the www.RandsTeaParty.com website included certain
12 communications that required disclaimers. *See* Complaint at Exhibit J. The website did not
13 respond to the complaint. The www.RandsTeaParty.com website explicitly states that it is “not
14 paid for, affiliated with, or authorized by any candidate or candidate’s committee.” The
15 Response of the Rand Paul for U.S. Senate Committee and Eric D. Stein, in his official capacity
16 as treasurer (the “Rand Paul Committee”), stated that the website was not affiliated with the
17 campaign.

18 The following types of communications require a “disclaimer” statement identifying the
19 person paying for the communication: 1) Any public communication made by a political
20 committee; 2) Electronic mail of more than 500 substantially similar communications when sent
21 by a political committee; 3) A political committee web site available to the general public; or
22 4) Any public communication made by any person that contains express advocacy, solicits a
23 contribution or qualifies as an “electioneering communication” under 11 C.F.R. § 100.29.

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1 An “electioneering communication” is defined as a broadcast, cable or satellite
2 communication that refers to a clearly identified federal candidate and is distributed to the
3 relevant electorate 30 days before the primary election or 60 days before the general election.
4 2 U.S.C. § 434(f)(3); 11 C.F.R. § 100.29. “Public communication” is defined as a
5 communication by means of any broadcast, cable, or satellite communication, newspaper,
6 magazine, outdoor advertising facility, mass mailing or telephone bank to the general public, or
7 any other form of general public political advertising, but excludes communications over the
8 Internet, except for communications placed for a fee on another person’s Web site. 11 C.F.R.
9 § 100.26.

10 It appears that the website’s communications are exempt from disclaimer
11 requirements because they are not “electioneering communications” or “public
12 communications” under 11 C.F.R. § 100.26, and the Commission has no information
13 suggesting that any of them were placed for a fee on another person’s website.
14 See 11 C.F.R. § 110.11(a). Therefore, the Commission finds no reason to believe that
15 www.RandsTeaParty.com violated 2 U.S.C. § 441d or 11 C.F.R. § 110.11.

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